

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES BURDSALL

Plaintiff,

v.

WEST WHITELAND TOWNSHIP, et al.,

Defendants.

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CIVIL ACTION

NO. 18-3188

ORDER

AND NOW, this 28th day of April, 2020, upon consideration of Defendant Officer Leah M. Cesanek’s (“Officer Cesanek”) Motion to Dismiss (ECF No. 27), Defendant West Whiteland Township’s Motion to Dismiss (ECF No. 24), and Defendants Bulldog Rod & Custom, LLC (“Bulldog”) and William Little’s (“Little”) Motion to Dismiss (collectively, “Defendants”) (ECF No. 25) Plaintiff’s Amended Complaint (ECF No. 23), and Plaintiff’s Responses thereto (ECF Nos. 28, 29, 30), **IT IS HEREBY ORDERED AND DECREED** that Defendants’ Motions to Dismiss are **GRANTED** as follows¹:

1. Count I against Defendant Officer Cesanek is **DISMISSED WITH PREJUDICE, IN PART**²;

¹ This Order accompanies the Court’s Memorandum Opinion dated April 28, 2020.

² Officer Cesanek filed a Praecipe to Withdraw her Motion to Dismiss Plaintiff’s Fourth Amendment wrongful arrest claim. ECF No. 31. In the Praecipe, Officer Cesanek stated she is still pursuing her Motion to Dismiss all of Plaintiff’s Section 1983 claims arising out of the Constitution of the Commonwealth of Pennsylvania. ECF No. 31 at ¶ 6. As such, the Court dismisses Plaintiff’s claims arising under the Constitution of the Commonwealth of Pennsylvania. Plaintiff may continue to pursue his Section 1983 claim against Officer Cesanek for false arrest based upon violations of the Constitution of the United States.

2. Count II against Defendant West Whiteland Township is **DISMISSED WITH PREJUDICE**³;
3. Count III against Defendants Bulldog and Little is **DISMISSED WITHOUT PREJUDICE**;
4. Counts IV against Defendants Bulldog and Little is **DISMISSED WITHOUT PREJUDICE**; and
5. Counts V against Defendants Bulldog and Little is **DISMISSED WITHOUT PREJUDICE**.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.

³ On May 28, 2019, the Court dismissed Plaintiff's Section 1983 claim against Defendant West Whiteland Township without prejudice and directed Plaintiff to file an Amended Complaint properly setting out the factual basis for his Section 1983 claim. Or. Mot. Dismiss, ECF No. 22.